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Vocational Rehabilitation

SPEECH

OF

HON. JOHN E. FOGARTY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

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Mr. FOGARTY. Mr. Speaker, today I have introduced the Vocational Rehabilitation Act Amendments of 1963, the general purpose of which is to expand and improve the vocational rehabilitation program. I would like to make a brief statement explaining the bill and why I think it is important at this time.

The vocational rehabilitation program is one of our Federal-State grant-in-aid programs, one of our oldest and most effective. With financial and technical assistance from the Federal Government, all of the States, Guam, Puerto Rico, and the Virgin Islands operate vocational rehabilitation programs. The purpose of the programs is to rehabilitate into remunerative employment physically and mentally impaired persons who are handicapped in their efforts to get or maintain employment.

As chairman of the Appropriations Subcommittee which reviews requests for appropriations for vocational rehabilitation each year, I have had an opportunity to become acquainted with the operation of this program in detail. I have been extremely gratified at the progress that has been made. In fiscal 1962, rehabilitations reached an alltime high of over 100,000, and I have every reason to believe that the quality of vocational rehabilitation services is improving as the number of rehabilitations increase. The Office of Vocational Rehabilitation, now the Vocational Rehabilitation Administration, has had inspired leadership from Miss Mary Switzer, its Commissioner, and the States programs have had excellent direction.

As I have commended the progress of vocational rehabilitation programs, I have also recognized their shortcomings. On a number of occasions, the Appropriations Committee had directed attention to unmet needs. The committee has felt, for instance, that sufficient emphasis has not been put upon the rehabilitation of the mentally retarded, the mentally ill, the cerebral palsied, and the deaf. All of these categories present special problems. We have been gratified to see the State rehabilitation

agencies rehabilitating a steadily increasing number of handicapped people in these categories, but we believe that it is possible to make a great deal more progress in this direction. We have been disappointed that some States have not seen fit to expand their vocational rehabilitation programs as rapidly as they should have. Since we believe it is in the public interest that we have as many handicapped people rehabilitated as possible, it is distressing that a number of States are allowing substantial Federal allotments of funds to go unused, because their State legislatures will not appropriate the sums necessary to match the Federal funds available.

We recognize, however, that not all of the difficulties encountered by the Vocational Rehabilitation Administration and the States can be overcome simply through the appropriation of additional funds. Certain changes in the vocational rehabilitation laws will undoubtedly expedite the expansion and improvement of these programs, and this legislative proposal is directed toward the solution of these problems. The bill I have just introduced is similar to H.R. 3523, which I introduced into the 87th Congress. I shall discuss the major provisions of the bill.

REHABILITATION EVALUATION SERVICES

One of the most important aspects of any vocational rehabilitation program is the determination of the rehabilitation potential of the handicapped individual. In fact, if this part of the process falls down, the rehabilitation program for the individual may be both costly and ineffective. This is an exceedingly difficult part of a vocational rehabilitation program, one to which a great deal of attention needs to be directed. In this legislative proposal, we have provided for a separately financed program for rehabilitation evaluation services. The Federal share of expenditure for the States rehabilitation evaluation services would be 75 percent. Rehabilitation evaluation services are defined to include: First, evaluation of medical, psychological, social and vocational aspects of an individual's physical and mental impairment and rehabilitation potential; second, the determination of rehabilitation services necessary to realize these potentials; and third, provision of any goods or services to an individual who is under a physical or mental disability during a period not to exceed 6

months, or not to exceed 18 months with the mentally retarded and other categories defined by the Secretary, during which time rehabilitation potential is being determined; and fourth, the determination of appropriate deferral of such individuals for rehabilitation services or other needed services which may not be provided by the State rehabilitation agency.

The enactment of this section of the bill will be of great significance to the rehabilitation movement. Since the bill specifies that rehabilitation services may be provided for the purpose of determining rehabilitation potential for stated periods of time, and the determination is not limited to the determination of vocational rehabilitation potential, the State vocational rehabilitation agencies will be encouraged to be more liberal in the acceptance of severely handicapped individuals for evaluation services. This legislation should result in rapid expansion and improvement of rehabilitation evaluation services in the State agencies, which is often considered the weakest link in the entire program of rehabilitation. The increased ability of State rehabilitation agencies to purchase rehabilitation evaluation services should result in far greater utilization of such evaluation services in existing workshops and rehabilitation centers and in the expansion of these facilities.

The inclusion of the responsibility for appropriate referral, along with the broader definition of the evaluation services, will give the State rehabilitation agencies the legal basis for development, in cooperation with other public and voluntary agencies, or centralized referral services for all disabled adults.

REHABILITATION FACILITIES

Another difficulty has been that the States and local communities have been unable to develop a sufficient number of the types of rehabilitation facilities which are needed for the rehabilitation of severely handicapped individuals. Particularly, there is a shortage of rehabilitation facilities which are vocationally oriented. Very few communities have workshops which can be used to provide a transitional experience for individuals, before they are ready to accept competitive employment. One section of this bill authorizes the Secretary to make grants to assist in meeting the cost of construction of public or other non-profit workshops and rehabilitation fa-

cilities. An appropriation of \$5 million is authorized for the first year, and \$10 million for each of the succeeding 4 years, at which time the authority is terminated—section 2. The Federal share of the cost of the projects will be the same as the Federal share of the cost of rehabilitation projects under the Hospital Survey and Construction Act. All rehabilitation facilities established under this act must be approved by the State rehabilitation agencies in the States in which such projects are developed. A part of the funds appropriated may be used to reimburse a part of the cost of the States in meeting their responsibilities under the act.

Funds may be used for the construction of new buildings and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such buildings, including the cost of architect's fees in connection with construction. Funds may also be used for initial staffing for not to exceed 4 years, the section applying to both workshops and rehabilitation facilities.

The Davis-Bacon Act governs compensation of workers on construction projects. It is also required that workshops receiving grants agree to meet appropriate wage and hour standards administered by the U.S. Department of Labor.

The significance of this section is found in the fact that there will be for the first time a nationwide program of grants for construction of workshops and other rehabilitation facilities administered under rehabilitation auspices. This legislation will be used to supplement the program for the construction of rehabilitation centers under the Hospital Survey and Construction Act. Facilities constructed under the Hospital Survey and Construction Act must include medical and one other rehabilitative service. This legislation will continue to be used principally for the development of medically oriented rehabilitation facilities, with most of the grants probably going to hospitals. The new facilities program will be used principally to assist in the development of vocationally oriented rehabilitation facilities, including workshops, which cannot be built under the Hospital Survey and Construction Act, unless they are a part of a comprehensive rehabilitation center. The definition of rehabilitation centers and workshops found in current Office of Vocational Rehabilitation regulations are amended in this bill will prevail in the administration of this section.

EXPANSION OF REHABILITATION SERVICES

When Public Law 565 was passed in 1954, section (4) (a) (2) provided for

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Federal grants to the States to pay a part of the cost of projects for planning, preparing for, and initiating expansion of vocational rehabilitation programs in the States. This was a temporary program, expiring at the end of 3 years. This bill contains a section which renews the authority for making such grants, providing that the Federal Government may pay all or part of the cost of such projects, when, in the judgment of the Secretary, the projects hold promise of resulting in a substantial increase in the number of persons vocationally rehabilitated. Grants under any one project are limited to 5 years.

PRIVATE CONTRIBUTIONS

At the present time, contributions of private agencies and individuals to a State cannot be used to match Federal funds for the establishment of rehabilitation facilities under sections 2 and 3 of the Vocational Rehabilitation Act, unless such donations are unrestricted; that is, such donations cannot be earmarked for the construction of specific facilities in which the donors are interested. This section specifies that such funds donated by private agencies or individuals can be earmarked for the establishment of specific facilities in which donors are interested. This section is made retroactive to the time of the passage of Public Law 565 in 1954, so as to remove doubt with respect to the legality in the use of private funds to match State funds in some of the States.

ADMINISTRATION IN THE STATES

Under current legislation, excepting agencies for the blind, vocational rehabilitation in the States must be administered either by the State board for vocational education or by an independent rehabilitation agency. This bill provides a third alternative, which is, that the State's vocational rehabilitation program may be administered in a department which includes, in addition to vocational rehabilitation, two or more of the major public health, public welfare, and labor programs of the State.

It is provided that in case this third alternative is utilized by the State, the State's rehabilitation agency must be at an organizational level and have an organizational status comparable to that of other major organizations in the department and that it must have full time direction and a full time staff.

There appears to be a growing trend in the States to develop departments of State government into which are grouped the major public health and welfare functions, in other words, organizations somewhat similar to the Department of Health, Education, and Welfare

on the Federal level. This section will enable the State to put the vocational rehabilitation program in such a department, under the conditions that have been cited. In some instances, vocational rehabilitation programs may be expected to become more effective in such departments.

LOCAL FINANCIAL SUPPORT (SEC. 4 (3))

At the present time, interpretations of the law have been that all phases of the State vocational rehabilitation program must be in operation in all sections of the State. A section of this bill provides that exception may be made for special programs prescribed by the Secretary. The purpose of this section is to encourage local tax units to appropriate funds for the expansion of vocational rehabilitation services in their own political areas, even though such services may not be available on a statewide basis.

PRESIDENT'S COMMITTEE (SEC. 8)

Under current legislation, appropriations for the President's Committee on Employment of the Handicapped are limited to \$300,000 per annum. This section would increase the appropriation authority to \$500,000 per year. This will provide for an orderly expansion of the Committee's work during the next few years.

Mr. Speaker, Members of the House know that the Federal Government and the States are expending huge sums each year to alleviate the ill effects of dependency caused by physical and mental disability. It is expending far less than it should on efforts to rehabilitate those handicapped individuals who are, or who are likely to become, dependent upon society. It is in the public interest that every handicapped individual have an opportunity to rehabilitate himself, and that all the services he requires be available to him when the need for such services first appear. Until this condition exists, the Nation is not doing what it should and what it is capable of doing to afford equality of opportunity for its handicapped citizens. The legislative changes which are proposed in this bill will go a long way toward providing a legal base for expanded and improved vocational rehabilitation services. I fully believe that the Congress will see fit to implement with liberal appropriations this legislation once it is passed. I strongly urge the House Committee on Education and Labor, to which this bill will be referred, to conduct prompt hearings. Certainly, this is one piece of legislation with respect to which there must be general agreement as to its need and its practicality.